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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,720	05/01/2001	Mark Kruger	PALM-3629.US.P	7066

49637 7590 04/18/2007
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EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/847,720	Applicant(s) KRUGER ET AL.	
	Examiner Kelvin Lin	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Reopening of Prosecution After Appeal Brief or Reply Brief

In view of the appeal brief filed on 3/13/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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1. Claims 1-2, 4-5, 7-9, 11-12, 14-16, 18-19, 21-23, 25, 27 are rejected under 35 USC 102(b) as being anticipated by Wild et al., (USPN No. 5862480).

2. Regarding claim 1, Wild teaches a method of establishing one of a plurality of network links on a computer system, comprising the steps of:

- a. Associating one or more alternative network link designations with one or more of said network links (Wild, fig.17, col.14, l.50-56, col.15, l.5-12);
- b. Requesting first network link of said plurality of network links (Wild, col.15, l.21-25);
- c. Attempting to initiate said first network link (Wild, col.15, l.23-24);
- d. Determining whether a particular alternative network link designation is associated with said first network link (Wild, col. 15, l.29-30); and
- e. If said step c) fails to establish said first network link and if said particular alternative network link designation is associated with said first network link, attempting to initiate, by said computer system, a particular network link of said plurality of network links based one said particular alternative network link designation (Wild, col.15, l.32-36).

3. Regarding claim 2, Wild further discloses a method as recited in claim 1 further comprising the steps of:

- f. Determining whether a second alternative network link designation is associated with said particular network link (Wild, col. 15, l.32-34); and
- g. If said step e) fails to establish said particular network link and if said second alternative network link designation is associated with said particular network link, initiating a second network link of said plurality of network links based on said second alternative network link designation (Wild, col.15, l.34-36).

4. Regarding claim 4, Wild further discloses a method as recited in claim 1 further comprising the steps of:

- h. If said step e) fails to establish said particular network link, initiating a second network link of said plurality of network links based on said alternative network link designation (Wild, col.15, l.34-36).

5. Regarding claim 5, Wild further discloses a method as recited in claim 1 further comprising the steps of:

- Indicating to a user whether said first network link was established (Wild, col.15, l.16-18);
- and enabling said user to discontinue establishment of said particular network link (Wild, col.15, l.18-20).

6. Regarding claim 7, Wild further discloses a method as recited in claim 1 wherein Said computer system comprises a personal digital assistant (Wild, fig. 1, element 104, a subscriber unit).

7. Regarding claims 8-9, 11-12, 14, claiming for computer-readable medium, have limitations corresponding to claims 1-2, 4-5, 7. Therefore, claims 8-9, 11-12, 14 are rejected for the same reason set forth in the rejection of claims 1-2, 4-5, 7.

8. Regarding claims 15-16, 18-19, 21, claiming for computer system with a data bus, a processor couples to said data bus, and a memory device have limitations corresponding to claims 1-2, 4-5, 7. Therefore, claims 15-16, 18-19, 21 are rejected for the same reason set forth in the rejection of claims 1-2, 4-5, 7.

9. Regarding claims 22-23, 25, and 27 have limitations corresponding to as claims 1, 3, 5, and 7. Therefore, claims 22-23, 25, and 27 are rejected for the same reason set forth in the rejection of claims 1, 3, 5, and 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 6, 10, 13, 17, 20, 24, and 26 are rejected under 35 USC 103(a) as being unpatentable over Wild in view of Horn (USPN No. 6192414).

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11. Regarding claim 3, Horn teaches the invention except for teaching claim 3.

However, Horn discloses a method as recited in claim 1 further comprising the steps of:

- i. If said step e) fails to establish said particular network link, attempting to initiate, by said computer system said first network link (Horn, col.7, l.18-22).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Wild's functions with multiple network connections associated with client connection manager features as per Horn's teaching.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to have multiple service per Horn's teaching in multiple network connection and to improve the connection control by subscriber unit as per Wild's teaching.

12. Regarding claim 6, Horn further discloses a method as recited in claim 1 wherein said step b) includes:

- Sending a network open request to a shared library of said computer system (Horn, col.5, l.5-14, in which the interface module, Winsock.DLL is the dynamic link module perform the link to the share library, i.e. function call, that is well known skill in this art area).

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13. Regarding claims 10, 17, 24 have limitations corresponding to claim 3.

Therefore, claims 10, 17, 24 are rejected for the same reason set forth in the rejection of claim 3.

14. Regarding claims 13, 20, 26 have limitations corresponding to claim 6.

Therefore, claims 13, 20, 26 are rejected for the same reason set forth in the rejection of claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Andersson et al., (PGPUB No. 2002004843)
- Partridger., (Patent No. 6493321)
- Smith (PGPUB 20020024940).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.


The examiner can normally be reached on Flexible 4/9/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/29/07
KYL


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER